

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE STATE STREET BANK AND TRUST  
CO. FIXED INCOME FUNDS INVESTMENT  
LITIGATION

Case No. 08-MD-1945 (PAC)

APOGEE ENTERPRISES, INC., ON BEHALF  
OF THE APOGEE ENTERPRISES, INC.  
401(K) RETIREMENT PLAN.

Plaintiff,

v.

STATE STREET BANK AND TRUST  
COMPANY; AND ING INSTITUTIONAL  
PLAN SERVICES LLC, FORMERLY KNOWN  
AS CITISTREET LLC,

Case No. 09-cv-1899 (PAC)

Defendants.

ING INSTITUTIONAL PLAN SERVICES LLC,  
FORMERLY KNOWN AS CITISTREET LLC,

Counterclaim,  
Cross-Claim, and  
Third Party Plaintiff,

v.

APOGEE ENTERPRISES, INC., APOGEE  
PENSION INVESTMENT COMMITTEE,  
RUSSELL HUFFER, ANTHONY NOWAK,  
DAVID BLANK, GARY JOHNSON,  
RICAHRD KRAUS, SILVEROAK WEALTH  
MANAGEMENT LLC, AND STATE STREET  
BANK AND TRUST COMPANY,

Counterclaim,  
Cross-Claim, and  
Third Party Defendants.

**STIPULATION OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties stipulate and agree that the above-captioned actions be and hereby are dismissed with prejudice, without costs or fees to any party, each party bearing its own attorneys' fees, and waiving all rights of appeal.

Dated: September 6, 2012

Respectfully submitted,

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